<center>REMARKS/ARGUMENTS</center>

In the Drawings, Figure 1 has been amended to include a legend designating the illustrated system as "prior art."

Claims 1-49 are currently pending in the present application. Claims 1-49 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,192,187 issued to Kinghorn in view of the prior art allegedly disclosed in Applicant's specification. Applicant respectfully traverses the rejection.

As amended, claim 1 now reads:

1. A method for encoding control data in a video data file, the video data file comprising at least one video frame, said method comprising:

generating an image data file comprising a video frame including a pixel representation of desired control data in at least one line of the video frame; and

merging the generated video frame in said image data file with a desired video frame in the video data file to produce a master video data file, wherein the pixel representation of the desired control data is mapped onto a line in the vertical blanking interval of the desired video frame.

The present invention relates to a process to graphically merge pixel representations of desired control data to selected video frames in a video data file. The present invention allows for the addition of control data within the context of a video editing system, for example, to graphically merge a generated image frame including a pixel representation of control data with an underlying video frame. The claimed invention obviates the need for locating the vertical blanking interval in a video data stream or signal by generating pixel representations of desired control data in image or video frames, which allows the pixel representations to be merged with desired video frames in a video data file. Independent claims 10, 20, 28, 37, 38, 43 and 47 include substantially similar limitations. As was discussed during the telephone conference of June 2, 2004, claim 1 requires the generation of a video frame including a pixel representation of control data in at least one line of the video frame, and merging the video frame with a desired video frame of a video data file such that the line containing the pixel representations of the desired control data is mapped to the vertical blanking interval of the video frame. While Kinghorn teaches the addition of control data to a video signal, Kinghorn does not operate according to the method of claim 1. Kinghorn, as well as the prior

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art cited by Applicant, operates on the video signal itself in real-time, locating the vertical blanking interval in the signal, and injecting a signal including control data at an appropriate point. The cited prior art does not generate pixel representations of the control data and, therefore, does not allow the pixel representations to be graphically merged with the underlying video. Specifically, the systems of the prior art operate on the video data stream or signal, locating in real-time (during playback) the vertical blanking interval and inserting a signal expressing control data that is recorded. Prior art encoding systems monitor for line 21 of the VBI in the video data stream or signal and, upon detection of that line, insert a signal expressing desired control data.

Claim 12 has been amended to incorporate the limitations of originally-filed claim 14. Claim 14 has been amended to recite a type of control data that can be encoded into a video data file. Claim 12 requires receiving control data and command directives, inserting the control data in a data structure according to the control directives, and operating on a digital video data file to accept the control data. Kinghorn, alone or in combination with the prior art of record, does not disclose or suggest the claimed invention. Kinghorn does not disclose the insertion of control data into a data structure according to command directives. In addition, Kinghorn does not disclose the addition of control data to a digital video data file. Therefore, claim 12 is also allowable over the cited prior art.

Claims 19 and 36 have been cancelled. The remaining claims are resubmitted without amendment.

In light of the foregoing, Applicant believes that all currently pending claims are presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this case.

Appl. No.: 09/522,108
Amdt. Dated June 18, 2004
Reply to Office Action of February 2, 2004

     If the Examiner believes that a telephone conference would expedite prosecution of the
present application, the Examiner is invited to call the undersigned at the telephone number set
forth below.

                                       Respectfully Submitted,
                                       LAW OFFICE OF MARK J. SPOLYAR
                                       By

Date: June 18, 2004   Mark J. Spolyar
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Attachments

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